

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 52

SSP 442 of 2025

Between

XPX

... Applicant

And

XPW

... Respondent

JUDGEMENT – COSTS

Costs – Legal aid – Whether aided person liable for costs for fraud, misrepresentation, or improper conduct – Relevant considerations – Section 14(3) Legal Aid and Advice Act 1995

Costs – Legal aid – Whether aided person protected from costs incurred before Grant of Aid was filed – Section 12(4)(c) Legal Aid and Advice Act 1995

TABLE OF CONTENTS

INTRODUCTION.....	1
MOTHER'S FIRST SUBMISSION	3
FATHER'S LIABILITY FOR COSTS UNDER S 14(3)(A)	3
FATHER'S LIABILITY FOR COSTS UNDER S 14(3)(B)	9
MOTHER'S SECOND SUBMISSION	14
APPLICABLE CONSIDERATIONS	14
MY DECISION	17
CONCLUDING REMARKS	19

This judgment is subject to final editorial corrections approved by the court and/or redaction pursuant to the publisher's duty in compliance with the law, for publication in LawNet and/or the Singapore Law Reports.

XPX

v

XPW

[2026] SGFC 52

Family Court - SSP 442 of 2025
District Judge Kow Keng Siong
20 March and 8 April 2026

8 April 2026

District Judge Kow Keng Siong:

Introduction

1 After a lengthy hearing, the Mother succeeded in obtaining protective orders on behalf of the Daughter against the Father in SSP 442/2025 (“**SSP 442**”): *XPX v XPW* [2026] SGFC 30 (“*XPX (Trial)*”). She now seeks costs.

2 Ordinarily, costs follow the event. There are, however, statutory hurdles to the Mother’s application. Pursuant to s 8 of the Legal Aid and Advice Act 1995 (“**Act**”), the Legal Aid Bureau (“**LAB**”) had approved the Father’s application for legal aid and filed a Grant of Aid in connection with SSP 442. Section 12(4)(c) of the Act provides that where a Grant of Aid is filed, an aided person is not liable for costs to any other party in the proceedings to which the

grant relates. There are however exceptions to s 12(4)(c). Under s 14(3), an aided person may be ordered to pay costs if –

- (a) the Grant of Aid issued to the aided person *has been* obtained by fraud or misrepresentation;
 - (b) the aided person *acted improperly* in bringing or *defending* any legal proceedings, or in the *conduct* of those proceedings.
- [emphasis added]

3 Against this statutory backdrop, the Mother advances two submissions.

(a) *One*, the Father is liable for costs because the two circumstances in s 14(3) are present in this case (“**First Submission**”). On this basis, she seeks full costs of \$85,000.¹

(b) *Two*, if her first submission fails, then the Father is still liable to pay part of her costs. This is because s 12(4)(c) does not protect him from costs incurred *before* the Grant of Aid was filed (“**Second Submission**”). The costs for this period are \$20,000.²

4 I reject the Mother’s first submission but accept her second. These are my reasons.

¹ According to the Mother, this amount for costs is reasonable and is based on the following: (a) Ten witnesses (including the parties) had given evidence over a six-day hearing; (b) The affidavits run into 2,246 pages in total, consisting of 158 pages of text and 2,088 pages of exhibits; (c) The parties’ submissions totalled 161 pages; (d) The costs are about \$35,000 (for pre-trial work), \$30,000 (for trial work at \$5,000 per day x six days) and \$20,000 (for post-trial work); and (e) The total disbursements amount to \$5,840.27: Applicant’s Costs Submissions dated 17.03.26 at [3] to [10].

² Applicant’s Costs Submissions dated 17.03.26 at [19] and [20].

Mother’s First Submission

5 I begin with the First Submission.

Father’s liability for costs under s 14(3)(a)

Applicable considerations

6 The Mother bears the burden of proving that the exceptions in s 14(3)(a) applies.

(a) To establish that legal aid had been obtained by *misrepresentation*, she must prove, on a balance of probabilities, that (i) the Father had made a false representation to LAB, (ii) LAB had relied on that representation, and (iii) the grant was issued as a result.

(b) To establish that legal aid had been obtained by *fraud*, the Mother must additionally prove that the Father had made the false representation dishonestly: *BMI v BMJ* [2018] 3 SLR 177 (“**BMI**”) at [28] (citing with approval *Wee Chiaw Sek Anna v Ng Li-Ann Genevieve* [2013] 3 SLR 801); *Panatron Pte Ltd v Lee Cheow Lee* [2001] 2 SLR(R) 435 at [14]; *Chu Said Thong v Vision Law LLC* [2014] 4 SLR 375 at [112] to [114].

7 It bears emphasis that courts do not lightly infer fraud and have insisted that s 14(3)(a) be strictly proved before ordering costs against an aided litigant. (See, for example, *UUQ v UUR* [2019] SGFC 36 at [74].)

(a) Mere suspicion will not suffice: *BMI* at [38]. Cogent evidence is required before a finding of fraud is made: *AYM v AYL* [2013] 1 SLR 924 at [30]; *BMI* at [29]; *Alwie Handoyo v Tjong Very Sumito* [2013] 4

SLR 308 at [159] to [161]; *Syed Ahmad Jamal Alsagoff v Harun bin Syed Hussain Aljunied* [2017] 3 SLR 386 at [50].

(b) A party who alleges fraud must clearly (i) state the nature/particulars of the fraud, (ii) establish the evidence on which he or she relies, and (iii) prove that the fraud was pivotal to the decision being impugned: *Ching Chew Weng Paul, deceased v Ching Pui Sim* [2011] 3 SLR 869 at [38] to [42] and [59].

Mother has failed to discharge her burden of proof

8 I find that the Mother has not discharged her burden of proof. She has adduced *no evidence* identifying precisely what false representation the Father had allegedly made to LAB, how it is false, whether it was made dishonestly, or how the grant of legal aid was procured by that representation.

Mother's request for LAB to give evidence

9 To overcome this fundamental evidential gap, the Mother submits that I should ask LAB to explain why the Father was found to have met the means-test criteria for legal aid – so that I may then assess whether such aid was obtained by fraud or misrepresentation.³ She argues that such a power exists pursuant to *Anpex Pte Ltd v Cheng Yong Sun* [2022] SGHC 294 (“*Anpex*”).

No basis to compel LAB to give evidence

10 I decline to accede to the Mother's request. These are my reasons.

³ Applicant's Costs Submissions dated 17.03.26 at [15] and [16].

11 *First*, LAB is not a party to the present proceedings. As a matter of principle, a court does not compel a non-party – especially one which is a public authority – to disclose its internal decision-making merely because a litigant suspects that something is amiss: *Aspinden Holdings Ltd v Chief Assessor* [2006] 4 SLR(R) 521 at [58] and [59].

12 *Second*, I am entitled to presume that LAB had properly discharged its statutory function of assessing whether the Father was eligible for legal aid: s 116 illustration (e) of the Evidence Act 1893; *Aspinden Holdings Ltd v Chief Assessor* [2006] 3 SLR(R) 99 at [52]; *Cheong Chun Yin v Attorney-General* [2014] 3 SLR 1141 at [37]; *Muhammad Ridzuan bin Mohd Ali v Attorney-General* [2014] 4 SLR 773 at [72]. To justify calling LAB to give evidence, the Mother must provide a concrete evidential basis from which I can reasonably infer that obtaining the additional evidence may (a) rebut the presumption of regularity and (b) confirm that s 14(3)(a) is engaged.

13 *Third*, the decision in *Anpex* does not assist the Mother.

(a) *One*, the High Court did not lay down a rule that a court must call for evidence from LAB whenever an allegation is made that an aided person has obtained legal aid by fraud or misrepresentation.

(b) *Two*, the High Court called for evidence from LAB because it had good reasons to believe that the aided defendant might have had access to substantial funds. That belief arose from the court's findings that the defendant had misappropriated monies and made significant purchases several months prior to her application for legal aid: *Anpex* at [5] and [7].

(c) *Three*, in calling LAB to give evidence, the High Court was merely *seeking clarification* as to whether the aided defendant had obtained legal aid by fraud or misrepresentation. The court did not launch an investigation into the matter. I say this because after LAB provided an affidavit confirming that the aided defendant had met the criteria for legal aid at the time of her application, the High Court accepted LAB's position without further probing: *Anpex* at [6].

14 In the present case, the Mother relies on the following matters to justify calling LAB to investigate whether the Father had obtained legal aid by fraud or misrepresentation.⁴

(a) The Father was able to conduct parts of the proceedings before legal aid was granted. He said that he had sought legal aid because he could not cross-examine the Daughter himself.

(b) The Father had the use of a car. He did private hire driving and earned about \$1,600 per month. There were three domestic helpers in the household caring for his parents.

(c) The Father is a degree holder. He had chosen to provide legal technology services on an ad hoc basis without payment.

15 In my judgment, the above matters fall far below the evidential threshold in *Anpex* for calling LAB to provide clarificatory evidence.

⁴ Applicant's Costs Submissions dated 17.03.26 at [16] and [17].

(a) The Father’s ability to participate in the proceedings before legal aid was granted – which consisted of mentions – does not suggest that he had sufficient means.

(b) Private-hire income of about \$1,600 per month does not, by itself, suggest that the Father would have failed the means-test criteria for legal aid or that he misled LAB as to his means. The fact that he had the use of a car does not carry the matter further. His evidence was that the car belonged to one of his brothers and could be used by the siblings. That evidence has not been discredited. Nor does the presence of three domestic helpers in the household assist the Mother. There is no evidence that the Father employed them or paid their salaries.

(c) A university degree or unpaid ad hoc work do not, without more, suggest that the Father misrepresented his means to LAB. The relevant question is whether he had procured aid by fraud or misrepresentation. The Mother has not proved that he did.

16 For completeness, I add that if the Mother has reason to suspect that legal aid was obtained by fraud or misrepresentation, it is far better for her to refer the matter to LAB for investigation as soon as possible than to raise it belatedly during costs submissions. This is because the courtroom is not an appropriate forum to investigate such matters. Let me elaborate.

(a) If this court were to call LAB to investigate the matter, it may be perceived as descending into the fray. This is because under s 14(3)(a), it is for the Mother to prove that legal aid “has been obtained by fraud or misrepresentation”: *Hum Weng Fong v Koh Siang Hong* [2008] 3 SLR(R) 1137 at [29] and [30]. No such perception issue arises if LAB

itself investigates the matter given that it has a direct interest in ensuring that its processes are not abused by undeserving litigants.

(b) Further, an investigation into the matter would involve scrutinising, among others, (1) the information and documents that the Father has provided to support his application for legal aid and (2) why LAB has decided to grant the aid: *Anpex* at [5] and [6]; *Huang Ai Hee v Soy Pee* [2008] SGDC 363 at [18]. This court does not have such materials. LAB does.

(c) An investigation by a court into whether legal aid “has been obtained by fraud or misrepresentation” would be a *further hearing*. Evidence would have to be called. This would be costly and time-consuming. It is far more sensible for LAB, which has both the relevant evidence and the institutional resources, to conduct the investigation.

(d) If LAB’s investigations reveal that the Father had obtained legal aid by fraud or misrepresentation, it can take swift and appropriate action. For instance, it may promptly cancel legal aid under s 10 of the Act, thereby removing the Father’s protection from liability for costs from the point of cancellation. The fact of cancellation may also, in an appropriate case, support an application under s 14(3)(a) to hold him liable for costs incurred during the period when he enjoyed legal aid. Further, LAB may refer the Father to the Police to consider whether charges under s 21 of the Act are warranted.

17 For the above reasons, I reject the Mother’s case under s 14(3)(a).

Father's liability for costs under s 14(3)(b)

18 I turn next to s 14(3)(b). This provision covers two situations. The first concerns an aided person who acts improperly in *bringing or defending* legal proceedings (“**first limb**”). The second concerns an aided person who acts improperly in the *conduct* of those proceedings (“**second limb**”).

Mother's case

19 The Mother submits that the Father ought to be held liable for costs because he had acted improperly both in contesting SSP 442 and in his conduct of the proceedings. She relies on the following matters to support this submission: (a) the Father had failed to address the complaints in her affidavits; (b) his evidence was evasive and shifting during cross-examination; (c) he had raised new claims in response to her complaints during the hearing; (d) he had insisted on the attendance of a witness who transcribed the recordings exhibited in the Mother's affidavits; and (e) he had wilfully disobeyed court orders concerning access to the children and the removal of his social media posts.⁵

Father's response

20 The Father disagrees that he had acted improperly. He submits that (a) he was entitled to contest the Mother's application for protective orders, (b) the hearing was conducted expeditiously, and (c) the mere fact that his defence failed does not mean that s 14(3)(b) is satisfied.⁶

⁵ Applicant's Costs Submissions dated 17.03.26 at [21] to [44].

⁶ Respondent's Costs Submissions dated 18.03.26 at [6] to [9].

First limb – Applicable considerations

21 I begin with the first limb in s 14(3)(b). In my view, the following considerations apply when assessing whether an aided person has acted improperly in defending legal proceedings brought against him or her.

(a) As a starting point, the mere fact that a defence fails does not mean that an aided defendant has acted improperly in contesting the proceedings. A contrary position would mean that every unsuccessful aided defendant would be liable for costs. This cannot be right because it would allow the exception in s 14(3)(b) to swallow the rule in s 12(4)(c). See also *Anpex* at [4].

(b) To show that an aided defendant has acted improperly in defending legal proceedings, the successful plaintiff must prove that the defendant *has no reasonable grounds* for doing so. Put in another way, it must be shown that the defendant has a plainly unmeritorious defence: *WEI v WEJ* [2025] SLR(FC) 74 at [38] to [45]; *Pang Tee Gam v Chui Ah Mui* [2009] SGDC 400 at [1], [3], [32] and [33]. For two reasons, this evidential burden is often not easily discharged. *First*, when a Grant of Aid is issued, LAB would already have assessed that the aided person “has *reasonable grounds* for taking, defending, continuing or being a party to those proceedings” [emphasis added]: s 8(1)(b) of the Act; *CSR v CSS* [2022] 5 SLR 675 at [21] and [22]. *Second*, a court is entitled to presume that this assessment was properly made: see [12] above.

First limb – My decision

22 In my judgment, the Father is entitled to contest SSP 442. I say this because in relation to six incidents of family violence alleged by the Mother –

- (a) Two allegations were found not to have been proved.
- (b) One allegation involved serious sexual abuse and rested entirely on the Daughter’s evidence. There is no objective evidence independently proving that the abuse had occurred. Although I eventually accepted her evidence – this was only after it had been stress-tested in cross-examination.
- (c) For the remaining three allegations, there were material disputes over the surrounding circumstances.

23 Given the above, I reject the Mother’s submission that the Father had acted improperly by defending the proceedings.

Second limb – Applicable considerations

24 I turn next to the second limb in s 14(3)(b). The Act does not specify when an aided person may be said to have acted improperly in the conduct of legal proceedings.

25 Since the award of costs is governed by the Family Justice (General) Rules 2024 (“**Rules**”), it is appropriate to turn to these Rules for guidance on what conduct may come within the second limb of s 14(3)(b). In this regard, two rules are particularly significant.

- (a) The first is P 1, r 4(2) which sets out the Objectives of the Rules. This rule makes clear that legal proceedings should be conducted expeditiously, efficiently and cost-effectively. In my view, these considerations apply equally to proceedings involving aided defendants.

(b) The second is P 22, r 5 which stipulates when costs may be ordered *against a successful party*. Like s 14(3)(b), this rule deals situations where costs may exceptionally be ordered against a party who ordinarily would not be required to pay them. This rule provides that –

(1) The Court may disallow or reduce a successful party’s costs or order that party to pay costs, if that party –

(a) has failed to establish any claim or issue which that party has raised in any proceedings, thereby *unnecessarily increasing the amount of time taken, the costs or the complexity of the proceedings*;

(b) has done or omitted to do anything *unreasonably*;

(c) has not discharged that party’s duty to consider amicable resolution of the dispute, to make an offer of amicable resolution in accordance with these Rules or to participate in any mediation directed by the Court; or

(d) *has failed to comply with any order of court or any practice direction*.

(2) Without limiting paragraph (1)(b), the Court may disallow or reduce a successful party’s costs or order that party to pay costs, if the party –

(a) has made applications in any proceedings that are excessive in number, *thereby unnecessarily prolonging or delaying the proceedings*; or

(b) has filed affidavits or documents in the proceedings that are excessive in number or length, or the contents of which are *not relevant to the determination of the issues in the proceedings*.

[emphasis added]

26 Drawing guidance from P 1, r 4(2) and P 22, r 5, I find that an aided defendant may be taken to have acted improperly in the conduct of his or her defence, and may thus be ordered to pay costs, if he or she unnecessarily or

unreasonably increases the time taken, the costs, or the complexity of the proceedings. Other examples of improper conduct include (a) conducting a case in a way that a reasonable litigant would not (*Anpex* at [4]), (b) persisting in clearly irrelevant issues, and (c) presenting false evidence or a sham case: *VQJ v VQK* [2021] SGFC 3 at [135].

Second limb – My decision

27 Applying the above considerations, I find that the matters raised at [14] above do not constitute improper conduct within the second limb of s 14(3)(b).

(a) The fact that the Father did not adequately address the Mother’s allegations in his affidavits is a matter that I had already considered in assessing the merits and weight of his case at trial. It does not, without more, establish impropriety for costs purposes.

(b) As for the submission that the Father’s testimony was evasive and shifting, this is relevant to the credibility of his case. That said, not every evasive answer justifies the exceptional step of depriving an aided litigant of his statutory protection from costs. The Mother has not shown that the Father’s testimony crossed the line from mere lack of credibility into the fabrication of a false defence of the kind that justifies a cost order under s 14(3)(b).

(c) Regarding the new claims raised by the Father during the hearing, I am not satisfied that this has resulted in such delay or wasted costs as to amount to impropriety within the meaning of s 14(3)(b).

(d) I am not persuaded that the Father’s insistence on the attendance of the transcription witness at the hearing was so unreasonable, in the

context of the issues at the hearing, as to justify displacing his statutory protection from costs.

(e) Finally, as to the alleged disobedience of court orders concerning child access and the removal of social media posts, these matters are distinct from the question of whether the Father had acted improperly in his conduct of SSP 442 itself.

28 Additionally, I note that the Father did not file excessive applications. He did not inundate the court with excessive affidavits or documents. Nor did he deliberately prolong or complicate the proceedings. The hearing, though lengthy, was directed at material issues in dispute.

29 Accordingly, I find that the Mother has failed to prove that the Father had acted improperly in the conduct of SSP 442.

Mother’s Second Submission

Applicable considerations

30 I turn to the Mother’s Second Submission. It raises the question of when the Father’s statutory protection from costs takes effect. The answer lies in the proper interpretation of the following provisions in s 12:

(3) *Before taking any other step in the proceedings*, the Director or the solicitor so assigned *must file* the Grant of Aid with the court in which the proceedings are to be taken or are pending

(4) Where any *Grant of Aid is so filed*, the aided person –

...

(c) is not, except where express provision is made in this Act, liable for costs to any other party *in any proceedings to which the Grant of Aid relates*.

...

[emphasis added]

31 One possible view is that the statutory protection in s 12(4)(c) covers the costs of the whole proceeding, including those incurred before the Grant of Aid was issued and filed. This interpretation may be based on the phrase in s 12(4)(c) that the aided person is not liable for “costs ... in any proceedings to which the Grant of Aid relates” (“**Relevant Phrase**”).

32 In my judgement, however, the better view is that the statutory protection begins only on the date when the Grant of Aid is filed – before that point, an unsuccessful litigant stands in the same position as any other and remains liable for costs. In other words, the Grant of Aid does not operate retrospectively to extinguish costs liability already incurred. This view is based on the following.

(a) *First*, the Relevant Phrase merely identifies *what* proceedings are covered by the statutory protection. It does not address *when* that protection begins.

(b) *Second*, on the latter issue, ss 12(3) and 12(4)(c) make clear that the *filing* of the Grant of Aid is a *mandatory first step* before (i) the legal aid lawyer may take any step in the proceedings and (ii) the aided person may enjoy protection from costs. After this first step has been taken, reg 10(1) of the Legal Aid and Advice Regulations also provides that–

Where, after proceedings have been instituted in any court, any party becomes an aided person in regard to those proceedings, the Director is only liable to pay so much of the costs of the proceedings as are incurred *while a Grant of Aid is in force*.

[emphasis added]

Since the Director is liable only for such costs as are incurred *while a Grant of Aid is in force*, it follows that the Director is not liable for costs incurred *before* the Grant of Aid is issued and filed. That liability must necessarily remain with the aided person.

(c) *Third*, there is nothing in the Act stipulating that an aided person is protected from costs before the Grant of Aid is filed. Had Parliament intended such a result, it would have said so in clear terms.

(d) *Finally*, an interpretation that protection from costs begins only on the date when the Grant of Aid is filed will encourage litigants to apply for – and hence to have access to – legal aid earlier. This advances the efficient and expeditious administration of justice. This is because earlier access to aid increases the chance that evidence can be gathered properly, unrealistic positions can be corrected sooner, the proceedings can be managed in a more disciplined way, and settlement can be facilitated more expeditiously. All these can translate to substantial savings in costs.

33 To sum up, the protection from costs in s 12(4)(c) arises only from the point the Grant of Aid is issued and filed in court. It does not cover costs incurred before this point.

My decision

Date when the statutory protection begins

34 Applying the above, the relevant chronology is as follows.

	Event	Date
(a)	Pursuant to s 17 of the Act, LAB filed in the Family Justice Courts a notification that the Father had applied for legal aid.	13.05.25
(b)	LAB issued a provisional Grant of Aid to the Father in connection with SSP 442 and filed it in court.	13.06.25
(c)	LAB issued and filed a Grant of Aid to the Father in connection with SSP 442.	05.08.25

35 Under s 2 of the Act, a “Grant of Aid” is defined as “a document issued under section 8 stating that legal aid is granted to a person (*whether on a provisional basis or otherwise*)”.

36 Based on the chronology and the definition of a “Grant of Aid”, the critical date is 13 June 2025. This is the date when the provisional Grant of Aid was filed – and hence the date from which the Father enjoys the protection in s 12(4)(c). Before this date, he does not.

37 For completeness, I have considered whether, notwithstanding that the Father is liable for costs before 13 June 2025, I should nonetheless decline to award costs in the spirit of therapeutic justice: *JBB v JBA* [2015] 5 SLR 153 at [21], [27], [28], [32] and [33]; *XER v XES* [2025] SGFC 4 at [4]. In my view, a costs order remains appropriate. *First*, unlike in divorce proceedings, where it is often difficult to identify the successful party, the Mother clearly has succeeded in proving her case and obtained protective orders. *Second*, she has

also incurred substantial costs in preparing for a contested hearing before the Father came under statutory protection: see [40] below. In these circumstances, the ordinary consequence as to costs should follow.

Amount of costs the Father is liable for

38 This brings me to the final issue – how much costs should be ordered.

39 On this issue, I take into account (1) the considerations in O 22 r 2(2) of the Rules and (2) the scale of the work done before 13 June 2025. In this regard, I note the following.

(a) SSP 442 is not a straightforward application. It involves six allegations of family violence over a three-year period. In addition, evidence of three further incidents was adduced to show that a protection order is necessary: *XPX (Trial)* at [5] to [75] and [77].

(b) The Mother’s legal team, consisting of three lawyers led by counsel of about 20 years’ standing, attended three mentions⁷ and prepared six witness affidavits totalling 1,433 pages.⁸ These comprised 115 pages of text and 1,318 pages of exhibits,⁹ together with recordings that required transcription. The Father’s affidavits, which also had to be reviewed, totalled 668 pages.¹⁰

⁷ These mentions were on 24 March, 30 April and 28 May 2025.

⁸ The hearing started on 13 August 2025.

⁹ Applicant’s Costs Submissions dated 17.03.26 at [4(1)] to [4(5)] and [4(9)].

¹⁰ Applicant’s Costs Submissions dated 17.03.26 at [4(10)] and [4(11)].

(c) The Mother incurred disbursements of \$1,358.50.¹¹

40 The Mother claims \$20,000 for work done before 13 June 2025. I find this sum to be reasonable. It reflects the volume of material, the factual complexity of the dispute, and the extent of preparatory work done. I therefore order the **Father to pay the Mother costs fixed at \$20,000 (all in)**. The costs shall be paid **within three months** of this judgement.

Concluding remarks

41 Before concluding, I summarise some learning points from this case.

(a) For litigants seeking legal aid – timing matters. A Grant of Aid does not extinguish past costs. They ought to seek legal aid early, before costs mount and positions harden.

(b) For successful litigants seeking costs from aided persons – an allegation that legal aid was obtained by fraud or misrepresentation must be supported by cogent evidence. A court does not lightly strip a legally aided litigant of his or her statutory protection.

42 I end with some remarks for the parties.

(a) In her costs submissions, the Mother has highlighted her plight as a single mother who works hard to make ends meet and contended that justice requires the Father to bear the full costs that she has incurred in SSP 442.¹² I accept that a litigant of modest means who falls outside

¹¹ Applicant's Costs Submissions dated 17.03.26 at Annex A, s/n 1, 7 to 9, 15, 16, 22 to 26.

¹² Applicant's Costs Submissions dated 17.03.26 at [45].

the threshold for legal aid will understandably think it unfair that he or she must privately fund litigation against an aided opponent. That said, the statutory scheme for legal aid must be respected and complied with. In this regard, eligibility depends on criteria prescribed by Parliament and administered by LAB. The court's task is to apply the provisions of the Act – including s 12(4)(c) – as enacted.

(b) The Father is also likely to feel aggrieved in having to bear \$20,000 of costs – despite his status as an aided person. This outcome is the result of implementing the legislative intent as expressed in s 12(4)(c) – which confers protection only from the point when the Grant of Aid is issued and filed. To treat a grant as wiping out costs earlier incurred would not be an application of the Act. It would be a rewriting of it.

(c) Ultimately, the law seeks to balance two important values. *One*, access to justice for those with limited means. *Two*, fairness to the opposing parties who are compelled to incur costs because of actions by such persons. Neither can be pursued by denying the other.

Kow Keng Siong
District Judge

Ms Ganga d/o Avadiar, Ms Eileen Yeo & Ms Michelle Lynn Fernandez
(M/s Advocatus Law LLP) for the Mother
Ms Sofia Bakhsh (M/s Phoenix Law Corporation) for the Father.